

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JEFFERY ALONZO SIMMS,

Plaintiff,

V.

C. A. No. 04-1205-SLR

**DONNA BURNS,
HARRY M. FREEMAN, M.D.,
and MAJOR R.L. HUGHES,**

Defendants.

ANSWER

The defendant Hughes responds as follows to the allegations set forth in the plaintiff's complaint form.

1. Admitted that Major Hughes is responsible to oversee operations of the Delaware State Police in Kent and Sussex Counties, and was so assigned on August 24, 2004.
2. Denied that Major Hughes had any role in the emergency medical treatment or surgery allegedly performed on the plaintiff on August 24, 2004.
3. Denied that Major Hughes had any role in the alleged injury or disfigurement of the plaintiff on August 24, 2004.

AFFIRMATIVE DEFENSES

4. The Complaint fails to state a claim upon which relief can be granted.
5. Plaintiff's cause of action is barred by the applicable statute of limitations.

6. Major Hughes is immune from liability.
7. The plaintiff has failed to perfect service on Major Hughes.

Wherefore, the defendant asks that the Complaint be dismissed, with prejudice, and all costs assessed to the plaintiff.

Dated December 7, 2005

/s/ Ralph K. Durstein III
Ralph K. Durstein III (ID# 912)
Deputy Attorney General
820 N. French Street
Wilmington, DE 19801
(302)577-8510
Ralph.Durstein@state.de.us

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

JEFFREY ALONZO SIMMS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1205-SLR
)	
DONNA BURNS,)	
HARRY M. FREEMAN, M.D.,)	
and MAJOR R.L. HUGHES,)	
)	
Defendants,)	

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on December 7, 2005, he caused the attached Answer to be electronically filed with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Daniel L. McKenty, Esq. Dana M. Spring, Esq. McCullough & McKenty, P.A. 1225 North King Street, Suite 1100 P.O. Box 397 Wilmington, DE 19899-0397	Jeffrey M. Austin, Esq. Elzufon, Austin, Reardon, Tarlov & Mondell, P.A. 300 Delaware Avenue, Suite 1700 P.O. Box 1630 Wilmington, DE 19899-1630
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and via U.S. Mail postage prepaid to the following:

Jeffery Alonzo Simms
SBI# 198625
Delaware Correctional Center
Unit V-Building A-Tier
1181 Paddock Road
Smyrna, DE 19977

/s/ Ralph K. Durstein III
Ralph K. Durstein III, I.D. #912
Deputy Attorney General
Carvel State Office Building
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302)577-8400
Attorney for Defendant Hughes